

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS PORT AUTHORITY.

Plaintiff,

 $\gamma$ 

RLI CORPORATION and  
RLI INSURANCE COMPANY.

Defendants.

CIVIL ACTION  
NO. 05-10924-MLW

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Fed. R. Civ. P. 16(b) & (c) and 26(f) and Local Rule 16.1, plaintiff Massachusetts Port Authority (“Massport”) and defendants RLI Corp. and RLI Insurance Company (“RLI”) (together with the plaintiff, the “Parties”), through counsel, have conferred concerning a proposed pre-trial scheduling order, and hereby jointly propose the following case management deadlines:

## I. INITIAL DISCLOSURES -- RULE 26(A)(1) AND LOCAL RULE 26.2

The parties will have served their Initial Disclosures pursuant to Fed. R. Civ. P. 26 and Local Rule 26.2 prior to the scheduling conference.

## II. DISCOVERY PLAN

- A. Relevant dates relating to discovery are provided below.
- B. The Parties agree that this case does not require a phased approach to discovery.
- C. The Parties do not anticipate requiring additional discovery events other than those allowed under Local Rule 26.1(C).

### III. PRETRIAL SCHEDULE

The parties have agreed that the deadline to amend the pleadings is January 20, 2006. In addition, the parties have agreed on the following discovery schedule:

1. Non-expert discovery completed (i.e., all discovery requests have been served such that responses are due prior to the close of discovery) March 3, 2006
2. Exchange of expert reports March 31, 2006
4. Experts deposed on or before April 28, 2006
5. Dispositive motions filed June 2, 2006
6. Pretrial conference Early September 2006 (as the Court's calendar permits)
7. Parties to be "trial ready" September 18, 2006 (as the Court's calendar permits)

### VI. MAGISTRATE JUDGE

**Plaintiffs' Position:** Plaintiff MassPort consents to reference of all matters, including dispositive motions and trial, to magistrate judge.

**Defendant's Position:** Defendant RLI consents to reference of all matters other than dispositive motions and trial to magistrate judge.

### VII. SETTLEMENT

On April 11, 2005 MassPort submitted to RLI a settlement proposal, through counsel, to which RLI has responded.

### VIII. MEDIATION

The Parties have discussed the potential for mediation, and have agreed on a process for determining whether mediation would be appropriate in this matter, and in particular at an early stage in this matter.

**IX. AGENDA FOR SCHEDULING CONFERENCE**

The parties propose that the following issues be addressed at the scheduling conference:

1. Adopting dates for pretrial events, dispositive motions, and trial; and
2. Referral of some of all matters to magistrate judge for resolution.

**X. LOCAL RULE 16.1(D)(3) CERTIFICATIONS**

The certifications required by Local Rule 16.1(D)(3)(a) & (b) are attached hereto as Exhibits A and B.


Respectfully submitted,

**Massachusetts Port Authority,**

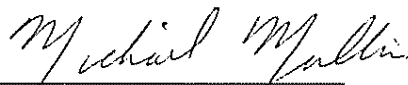
**RLI Corporation, et al.,**

By its attorneys,

By their attorneys,

  
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(617) 248-5000

Dated: September 13, 2005

# **Exhibit A**

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS PORT AUTHORITY,

Plaintiff,

v.

RLI CORPORATION and  
RLI INSURANCE COMPANY,

Defendants.


CASE NO. 05 10924 (MLW)


LOCAL RULE 16.1(D)(3) CERTIFICATION

Defendants RLI Corporation and RLI Insurance Company certify that, pursuant to  
Local Rule 16.1(D)(3), they have conferred with counsel:

- (a) with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in L.R. 16.4.

Dated: September 13, 2005.

  
Amy E. Johnson  
Director, Casualty Claims  
RLI Insurance Company

  
Mark D. Cahill (BBO# 544693)  
Michael P. Mullins, *pro hac vice*  
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Attorneys for Defendants

# **Exhibit B**

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MASSPORT

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS PORT AUTHORITY,

Plaintiff,

v.

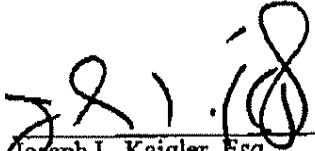
RLI CORPORATION and  
RLI INSURANCE COMPANY,

Defendants.

CIVIL ACTION  
NO. 05-10924-MLW

LOCAL RULE 16.1(D)(3) CERTIFICATIONS

Pursuant to Local Rule 16.1(D)(3), the undersigned authorized representative of Massachusetts Port Authority ("Massport") and undersigned Counsel for Massport have conferred (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

  
Joseph L. Kaigler, Esq.  
Massachusetts Port Authority  
Senior Counsel/Litigation

  
Beth I.Z. Boland, Esq.  
Bingham McCutchen, LLP

Dated: September 13, 2005